

Law Offices of  
**SIMON HARTER, Esq.**

[sharter@harterlaw.com](mailto:sharter@harterlaw.com)

304 Park Avenue South – 11<sup>th</sup> Floor  
New York, New York 10010  
Tel: (212) 979-0250  
Fax: (212) 979-0251

20 Nassau Street – Suite 211  
Princeton, New Jersey 08542  
Tel: (609) 688-8330  
Fax: (609) 688-8331

Via Telecopier (212) 805-6382  
Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
40 Centre Street – Suite 414  
New York, New York 10007

December 6, 2007

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12-7-07
--

Re: Phoenix Bulk Carriers Ltd. v. Kremikovtzi Trade  
Fino Marine S.A. et al. v. Kremikovtzi Trade et al  
D'Amato Fratelli SPA v. Kremikovtzi Trade  
Consolidated Civil Action No.: 05-CV-9559 (VM)(HP)

Dear Judge Marrero:

We represent GSHL Bulgaria S.A. in the above matter. We write, as Your Honor has instructed, to update the Court on developments regarding the status of the appeal in Seamar Shipping Corp. v. Kremikovtzi Trade Ltd. et al., No. 05-CV-5507 (JSR), in which Judge Rakoff granted our motion to vacate the Rule B attachment of substantially the same funds as are presently under attachment in the above consolidated cases.

As we have previously advised, the Second Circuit had ordered that the appeal in the Seamar case be heard in tandem with Consub Delaware LLC v.

December 6, 2007

Page 2

Schahin Engenharia Limitada, No. 07-0833-mc. However, after maintaining its appeal for nearly nine months, Seamar filed a motion to vacate its appeal to the Second Circuit. Although we objected to Seamar's motion, today we received a copy of an Order from the Second Circuit granting Seamar's motion.

We spoke today to Rahul Wanchoo, counsel for Seamar, to inquire about Seamar's intentions with respect to any further activity in that case. Mr. Wanchoo told us that the representation of Seamar has been transferred from his office to Jeremy Harwood, Esq. of Blank Rome.

Because we anticipated that notwithstanding our objection, the Second Circuit would grant Seamar's motion, we sought, and were granted, leave to file a brief *amicus curiae* in the Consub Delaware case. It is our belief that the Second Circuit ordered the Consub Delaware and Seamar cases to be heard together, and then granted our *amicus* motion, because it intends to address Rule B attachments of electronic funds transfers in the possession of an intermediary bank when the defendant is the initiating party, as is the case in Consub Delaware, and when the defendant is allegedly the intended beneficiary, as is the case in Seamar and the actions before Your Honor.

We thank the Court for its attention to this matter.

Respectfully submitted,

  
Simon Harter

The Court acknowledges the response herein to its request for a status report on this matter. The case shall remain on the Court's suspense docket pending the decision by the Court of Appeals on the Second Circuit on the related cases.

**SO ORDERED:** The parties are directed to advise the Court promptly of any new developments in this regard.

DATE 12-7-07 VICTOR MARRERO, U.S.D.J.